

REMARKS/ARGUMENTS

Claims 1-22 are pending in the application. By this amendment, claims 1 and 9 are being amended to improve their form. No new matter is involved.

In paragraph 2 on page 2 of the Office Action, claims 3-5 and 11-13 are rejected under 35 U.S.C. § 112, first paragraph, for claiming a single means in an apparatus. In paragraph 4 on page 2 of the Office Action, claims 1, 2, 6-10 and 14 are rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements. The essential elements are said to include elements 22, 26, 40 and 50 in Fig. 1 which perform the calculation of the recording address.

In response to the rejection of the claims on formal grounds, Applicant is amending claims 1 and 9 to include the interface (22), the encoder (40) and the CPU (50). In addition, a "means for storing data recovered from the disc" is being added, which corresponds to the DRAM 20. Applicant has not added the computer (26) as suggested in the Office Action, and respectfully requests reconsideration of this requirement. The computer 26 is an external device connected to the disc recording apparatus according to the invention via the communication line. The computer 26 is an example of a source of data for the apparatus, but is not an element of the invention, much less a necessary element for accomplishing the function of the present invention.

As amended, claim 1 defines a disc recording apparatus for recording data on a disc comprising "a disc, means for storing data recovered from the disc, an interface for transferring recovered data from the means for storing data and write data to the means for storing data, a CPU for performing confirmation of the received data, and an encoder for generating a recording address for the disc, the

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disc recording apparatus recording data with a recording address y". Claim 9 is being amended to include similar limitations.

As so amended, claims 1 and 9, include various structural limitations in addition to the means-plus-function recitations therein. Such structural limitations are those elements which perform the calculation of the recording address y. Consequently, claims 1-14 claim more than a single means and set forth essential elements so as to be complete.

In paragraph 6 on page 3 of the Office Action, claims 1-4, 6-12 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. 2002/0136137 of Shishido et al. Such rejection is respectfully traversed in view of the amendments to claims 1 and 9 herein.

As noted above, claims 1 and 9 as amended define the disc recording apparatus as including a disc, means for storing data recovered from the disc, an interface for transferring recovered data from the means for storing data and write data to the means for storing data, a CPU for performing confirmation of the received data, and an encoder for generating a recording address for the disc. Such claims then proceed to define calculation of the recording address y in accordance with the invention. While Shishido et al. may disclose a disc recording apparatus including comparison means and the generation of an indication that recording is not possible, such reference neither discloses nor suggests the combination of elements as now recited in the claims as well as the calculation of the specific recording address y in the manner set forth in detail in the claims. Therefore, claims 1-14 are submitted to clearly distinguish patentably over such reference.

In paragraph 8 on page 3 of the Office Action, claims 15-22 are indicated as being allowable over the prior art of record. Such indication has been duly noted by Applicant.

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In conclusion, claims 1-22 are submitted to clearly distinguish patentably over the prior art for the reasons set forth above. Therefore, reconsideration and allowance are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6846 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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